

**State of California**

**DEPARTMENT OF MOTOR VEHICLES**



# **COMMERCIAL REQUESTER INFORMATION HANDBOOK**



Communication Programs Division



**INFORMATION SERVICES BRANCH**

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Department of Motor Vehicles  
Legal Office  
P.O. Box 932382  
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## Foreword

The Department of Motor Vehicles takes great pride in its ability to fulfill its mission. We remain dedicated to making service to all customers the cornerstone of our operations.

Fulfilling our mission is a complex task, and extends beyond customer service. We must protect the privacy of individuals whose information is contained in our massive database, while at the same time meet the legitimate business needs of our customers. The electronic transmission of the information must be secure. The balance between privacy protection and access to public records is guided by state and federal laws and regulations, and it is on this foundation that the Information Services Program operates.

In this Commercial Requester Information Handbook, our goal is to answer questions about what is needed to become a Commercial Requester Account (CRA) Holder. It is our intent to facilitate the application process and make you aware of your responsibilities as a CRA holder. We have rules and requirements that must be met, and every account is subject to an audit. Included in this publication is a copy of the Terms and Conditions (INF 1230) that all CRA holders must agree to. Any failure to adhere to these terms and conditions or to the security requirements, also contained within this book, may result in the department taking adverse action against your account.

We try to make the process of obtaining records smooth and timely. That is our goal, and commitment to you as a customer of the department. At the same time, we ask that you take your responsibilities to heart, and for every record you request from us, treat the information carefully and safeguard it. Use it only for the purpose for which you are approved to request it. Follow the rules and procedures outlined in this handbook and in regulations. Ensure your employees are also following the requirements, it's YOUR account at stake.

Please read this booklet. The information contained in here is fundamental to understanding the requirements for a CRA and obligations once it is approved. And, let us know what you think about it. There is a survey card in the back. Your comments will help us improve future editions.

Peggy St. George, Chief  
Information Services Branch  
Department of Motor Vehicles

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## THE INFORMATION SERVICES PROGRAM

### INFORMATION SERVICES BRANCH

#### MISSION STATEMENT

In support of Department and Division goals, it is the mission of the Information Services Branch to provide information and support to internal and external customers and:

- Protect privacy by ensuring record security.
- Ensure service is provided in a courteous, secure, expeditious, and understandable manner.
- Utilize technological improvements to provide information in an efficient, cost effective manner.
- Operate with a bias for action, continuously improving information products, services, and sales consistent with the Department's mission and customer needs.
- Provide first class service and build a positive image in dealing with Information Services clients.
- Maximize the talents and efforts of skilled staff and actively encourage their professional development.

January 2002

The Department of Motor Vehicles (DMV) is authorized by California Vehicle Code (CVC) Section 1810.2 to establish Commercial Requester Accounts (CRA) and issue requester codes for the purpose of requesting information from the department's files.

The department has two (2) types of requesters:

- (1) Requesters who are pre-approved to receive information from the department to fulfill a legitimate business need pursuant to one of the following statutes: CVC 1808 et seq., CVC 4465, CVC 22851.8, CVC 22658, California Civil Code Sections 3067-3075, inclusive, and Harbors/Navigation Code Sections 500-509, inclusive.
- (2) Requesters who are not pre-approved and request departmental record information on a one-time or occasional basis as authorized under CVC 1808 et seq.

Commercial Requester Accounts are established for applicants who:

- Have a legitimate business need for obtaining DMV information
- Properly complete and return the appropriate forms
- Pay the required application fee
- Provide an acceptable bond, if required
- Establish and maintain logs which track the receipt, use and dissemination of DMV information
- Maintain the confidentiality of the information provided

A requester may be approved for driver license, vehicle or vessel registration, financial responsibility and/or occupational licensing information. A requester code also limits access based on a requester's statutory authority to receive any of the following:

- Residence address
- Mailing address (when available)
- Basic record information (without address)
- Residence address with post notification to the subject

As a requester you may request information directly from the department. Information from the department can be requested via hardcopy, magnetic tape, on-line, or indirectly through an approved information provider or reseller (see page 6.002 for additional information on resellers).

THE INFORMATION SERVICES PROGRAM *(continued)*

	<p>A requester code may be denied if the proposed use of the information is not related to the legitimate business needs or commercial purposes of the requester. The requester code may be cancelled immediately if the requested information is used for a purpose other than the purpose for which the requester code was issued. All requesters are required to maintain the security of the information received from the department and to protect it from unauthorized access. Additionally, as a Commercial Requester you may be subject to an audit by the department.</p> <p><b>Information submitted to the department on an application to obtain a Commercial Requester Account is public record. However, some information contained in these records is classified as confidential, trade secret, or personal pursuant to state or federal statute and is exempt from disclosure.</b></p>
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## RECORD RELEASE

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**Public record information** may be released by DMV to any person for an authorized purpose. An authorized business purpose may include, but is not limited to, vehicles/vessel lien sales, underwriting auto insurance policies, and pre-employment screenings. A driver license/identification (DL/ID) record contains information obtained from an individual's DL/ID application, abstracts of convictions, accidents, and any actions taken by the department. A vehicle/vessel registration (VR) record contains information relating to the registration of a vehicle or vessel. CVC §1808 describes the above as open to public inspection.

**Residence addresses** are confidential and information will only be released as authorized by CVC §1808.21, which states that any residence address in any record of the department is confidential, and shall not be disclosed to any person, except a court, law enforcement agency, other government agency, or as authorized by statute. Other confidential information include physical and mental conditions, controlled substance offenses (VC 1808.5), and Social Security Numbers (VC 1653.5(f)). (Please visit our website at [www.dmv.ca.gov](http://www.dmv.ca.gov) for more information.)

**Statutes authorizing residence address release include, but are not limited to the following:**

1. Financial Institutions licensed by the state or federal government to do business in the State of California which state under penalty of perjury that they have obtained a written waiver of California Vehicle Code (CVC) §1808.21 signed by the individual whose address is requested. [CVC §1808.22 (a)]
2. Insurance Companies licensed to do business in California when the company, under penalty of perjury, requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with their insured or requests the information on an individual who has signed a written waiver of CVC §1808.21. [CVC §1808.22 (b)]
3. Attorneys who state under penalty of perjury, that the motor vehicle registered owner's or driver's residential address information is necessary in order to represent his or her client in a criminal or civil action which directly involves the use of the motor vehicle. [CVC §1808.22 (c)]
4. Vehicle Dealers licensed to do business in the State of California if the dealer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of completing registration transactions and documents. [CVC §1808.23 (b)]
5. Any person who, under penalty of perjury requests and uses the information as permitted under subdivision (h) of California Civil Code (CCC) §1798.24, if the request specifies that no person will be contacted by mail or otherwise at the address included with the information released. [CVC §1808.23 (c)]
6. Vehicle Manufacturers licensed to do business in the State of California if the manufacturer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of safety, warranty, including a warranty issued in compliance with CCC §1795.92, emission, or product recall if the manufacturer offers to make and makes any changes at no cost to the vehicle owner. [CVC §1808.23 (a)]
7. Any person who certifies that the residence address information will only be used to notify the registered and legal owners and all persons known to claim an interest in the vehicle of an impending lien sale or intent to dispose of the vehicle. Each residence address requested from the files of the DMV will be required by and will be used pursuant to the applicable statutes including but not limited to the following: CVC §22658, 22851, 22851.8, 22852, CCC §3068 through 3072 and Harbors and Navigation Code §500-509.



## PERMISSIBLE USE(S)/PURPOSE

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Federal legislation, the Driver's Privacy Protection Act (Title 18, United States Code, Section 2721-2725), makes confidential any information contained in a motor vehicle record unless the information is requested and used for a "permissible use". A "permissible use" includes:

1. **Government/Law Enforcement Agent** – For use by any private person or entity acting on behalf of a Federal, State or local agency in carrying out the functions of the government/law enforcement entity.
2. **Motor Vehicle or Drivers Safety and Theft** - For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performing monitoring of motor vehicles; motor vehicle parts and dealers; motor vehicle market research activities, including survey research; removal of non-owner records from the original owner records of motor vehicle manufacturers.
3. **Legitimate Business For Purposes of Preventing Fraud** – For use in the normal course of business by a legitimate business or its agents, employees, or contractors but only to verify the accuracy of personal information submitted by an individual to the business, its agents, employees or contractors; and if information as so submitted is not correct or is no longer correct, to obtain the correct information but only for the purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against an individual.
4. **Civil, Criminal, Administrative or Arbitral Processing** - For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency, or before any self-regulatory body including service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State or local court.
5. **Research and Statistical Reports** - For use in research activities, in producing statistical reports so long as the personal information is not published, re-disclosed or used to contact individuals.
6. **Insurance Purposes** - For use by an insurer or insurance support organization, or by a self-insured entity, its agents, employees or contractors, or in connection with claims investigation activities, antifraud activities, rating or underwriting.
7. **Towed or Impounded Vehicles** – For use in providing notice to owners of towed or impounded vehicles.
8. **Private Investigator/Security Service** - For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.
9. **Any Other Use Specifically Authorized Under California Law** – For any other use specifically authorized under the law of the State that holds the record if such use is related to the operation of a motor vehicle or public safety as long as an authorizing statute can be cited.



**Information Services Branch**  
**COMMERCIAL REQUESTER ACCOUNT**  
**TERMS AND CONDITIONS**

Department of Motor Vehicles (DMV) reserves the right to modify the following terms and conditions at will.

**A. GENERAL**

By applying for a Commercial Requester Account to access DMV information, you, the "Requester" agree to the following:

1. The term of the Commercial Requester Account shall be for two years from date of approval and may be renewed biennially or extended by the department.
2. Requester shall not sell or transfer ownership of a vehicle or vessel if the information received from the files of the DMV indicates a Department of Justice stop ("DOJ STOP"). Requester shall notify the local police regarding the vehicle or vessel whenever the location of the vehicle or vessel is known.
3. Requester agrees to defend, indemnify and hold harmless the DMV and its officers, agents and employees from any and all claims, actions, damages or losses which may be brought or alleged against the DMV, its officers, agents or employees by reason of the negligent, improper, or unauthorized use or dissemination by the Requester or its officers, agents, or employees, of information furnished to the Requester by the DMV or by reason of inaccurate information furnished to the Requester by the DMV unless the Requester can show that the DMV was originally furnished accurate information from the reporting source.
4. Requester shall not represent itself as an agent or employee of the DMV. Requester shall not use any DMV trade mark or service mark, indicia or any substantial similarity thereto or acronym in a manner likely to cause confusion that Requester's services are associated with or are that of the DMV.
5. Requester and its designees shall use DMV information for purpose(s) for which it requests an account and is approved by the DMV. Any other use(s) is strictly prohibited and will subject the Requester and its designees to termination of account as well as civil and criminal penalties.
6. Requester shall notify DMV in writing within ten (10) days of any changes including but not limited to address, telephone number, contact person, closure or sale of business.
7. Commercial Requester Account and attendant Requester code(s) are personal to the Requester and no rights or responsibilities under this agreement are assignable by Requester.
8. Resale of DMV information is prohibited. Requester shall not store, combine or link department information with any database for resale or for any business purpose(s) not specified on the application for a Commercial Requester Account approved by the DMV. Continued storage of information is permissible to comply with federal or state record retention requirements.
9. Requester's access to DMV information may be modified and/or terminated
  - immediately with cause
  - without cause upon 30 days notice by either party

**B. SECURITY**

1. Requester shall comply with all DMV security requirements relating to its Commercial Requester Account. Requester understands that the DMV reserves the right to amend or enhance its requirements and continuance of a Commercial Requester Account is contingent upon Requester's compliance with the updated criteria. Security requirements are available at [www.dmv.ca.gov](http://www.dmv.ca.gov) (click on "Other Services"). It is the responsibility of the account holder to periodically review this website, but no less than once every 6 months, for any future updates or enhancements to the security requirements. Requester affirms that it has, or has access to, the internet that will allow them to view the website for current and updated security requirements.
2. Requester shall be responsible for safeguarding the information received and shall restrict access to this information to its employees, agents or parties with whom it contracts. Requester agrees to be held responsible for any misuse of the information by its employees, agents or parties to whom the information was entrusted.

**C. RESIDENCE ADDRESS**

If receiving residence address information, the Requester shall secure a surety bond in the amount of \$50,000 and is subject to the provisions of California Code of Regulations (CCR) §350.24.

**D. FEES**

1. Requesters receiving information directly from the DMV shall be charged a fee pursuant to CCR §350.44 and shall be billed monthly for information received.
2. The amount listed on the invoice is due and payable upon receipt. Failure to remit the appropriate payment could result in termination of your requester privileges and may include a referral to a collection agency.

**E. DISPUTES**

1. Requester may withhold payment of any disputed charges. A "charge" is not disputed until Requester provides the DMV a written explanation of the disputed charge within 30 days of invoice date. If the DMV determines the charges are valid, the Requester will be notified and shall pay all such charges within (10) ten days.
2. Requester consents to jurisdiction of California courts and the Requester agrees to Sacramento County, California as the forum selected for judicial review of its rights relating to its account under these terms and conditions. Any disputes regarding the Requester's account shall be adjudicated pursuant to the laws of the State of California.
3. The person authorized to complete and sign the application on behalf of the Requester may be held personally responsible to the DMV for any debts and obligations arising under this agreement.

**F. INSPECTION OF RECORDS**

1. Requester shall keep its records required pursuant to CCR §350.18(b) (4) and CCR §350.48 at the business address provided to the DMV.
2. Requester's place of business shall be available for an electronic or manual audit (of records required to be retained) immediately upon request from the DMV or the DMV's representative.
3. Requester understands that failure to respond timely to an audit report with findings, may result in inactivation/cancellation of the Requester code.

## CHAPTER ONE

### COMMERCIAL REQUESTER ACCOUNTS

<b>1. Who can apply for a Commercial Requester Account (CRA)?</b>	Any person or business who has a legitimate business need for obtaining DMV information can apply for a requester code account. (See page 6.001 for definition of legitimate business need). For further information please see California Code of Regulations (CCR) 350.02(1).
<b>2. How do I apply for a CRA and requester code?</b>	You must submit a completed application for a commercial requester code account.
<b>3. Which form(s) do I need to complete for a CRA application?</b>	See “Forms”, page 6.003, for a list of forms that are required.
<b>4. Are there different types of accounts and what do I need for each type?</b>	Yes. Currently, you can apply to be an End-User or Reseller/Service Provider (Contact the Account Processing Unit at (916) 657-5564 for additional information).
<b>5. Is there a fee for the Commercial Requester Account?</b>	<p>Yes. Fees to apply for a requester code account are due with the application and renewable every 2 years, the fees are:</p> <p>Basic Record (Without residence address) - \$50</p> <p>With residence address - \$250 (a surety bond of \$50,000 is also required). (See page 1.003)</p>
<b>6. How will I know if my application is approved?</b>	You will receive an approval letter in the mail once your application is approved. The letter will contain your requester code number(s). Approval letters will not be faxed or sent electronically.
<b>7. When will my account expire?</b>	A Commercial Requester Account is valid for twenty-four (24) months from the date of approval.
<b>8. Will I be notified to renew my account?</b>	The Account Processing Unit will notify account holders approximately ninety (90) days prior to the expiration of the account by forwarding a renewal package to the contact person identified on the account. <b>To avoid any delay in service, please ensure that any change to your contact person is reported (See item 12.)</b>

**COMMERCIAL REQUESTER ACCOUNTS** *(continued)*

<b>9. Are the fees refundable if I don't qualify for a requester code account?</b>	The \$50.00 application fee is a nonrefundable fee. If you applied for a CRA account with residence address, and you do not qualify, we will refund the \$200 portion of the fee.
<b>10. How much do the records cost?</b>	<ul style="list-style-type: none"> <li>• Each electronic record - \$2 for vehicle registration, \$2 for driver license</li> <li>• Driver license and vehicle registration records - \$5 each</li> <li>• Copies of microfilmed records or photos: <ul style="list-style-type: none"> <li>• DL - \$20 for each copy</li> <li>• VR - \$20 for each year.</li> </ul> </li> <li>• Requests for large volumes or bulk requests - \$100 per thousand copies, in addition to computer run time and programming.</li> </ul>
<b>11. When am I required to report changes to my account?</b>	You are required to report any changes, such as, a change in corporate name, corporate officers, sole proprietor, Doing Business As (DBA), telephone number, account contact, street or mailing address, billing contact, or any change in any other information on the original account application.
<b>12. How do I report changes to my account?</b>	Changes to your account must be reported on form INF 1106. You must notify DMV of any changes to your Commercial Requester Account within ten (10) working days of the change(s). Please contact the unit listed below to request copies of the form or visit our website at <a href="http://www.dmv.ca.gov">www.dmv.ca.gov</a> , then go to "Other Services" and click on Commercial Requester Account.
<b>13. Who do I contact if I have questions about my application, or to check on the status of my application?</b>	You can contact the Account Processing Unit (APU) at (916) 657-5564. Please allow at least two weeks for processing.
<b>NOTE:</b>	<b>Once your account is approved and requester code(s) is/are assigned, please include this number(s) on all correspondence to the department concerning the specific account.</b>

COMMERCIAL REQUESTER ACCOUNTS *(continued)*

## SURETY BOND INFORMATION

<b>14. Do I need a bond to apply for a Commercial Requester Account?</b>	You will need a surety bond <b>only</b> if you are issued a requester code and authorized to receive residence address information.
<b>15. What is the amount of the bond?</b>	The surety bond must be in the amount of \$50,000. The bond must be continuous and made payable to the Department of Motor Vehicles.
<b>16. Where can I obtain a surety bond?</b>	The “Commercial Requester Account Surety Bond”, INF 1132 will be mailed to you upon approval for address information. You should only submit the form when requested by the department after you have been approved for residence address. This is the only form that will be accepted. Many insurance companies can issue a surety bond. <b>DMV will only accept bonds issued by insurance companies licensed to do business in California.</b>
<b>17. What information should the bond contain?</b>	<p>The “Commercial Requester Account Surety Bond” form INF 1132 must be completed in its entirety. It must contain the date and signature of an authorized employee of the surety company and the signature of the account holder who is the principal. The bond must read exactly how the commercial requester account reads.</p> <p>Examples are:</p> <ul style="list-style-type: none"> <li>• Sole owner should have the individual’s name as well as the DBA (doing business as) on the account.</li> <li>• Partnerships should have all partners’ individual names and the DBA on the account.</li> <li>• Corporations should have the name of the corporation only (if the corporation name and DBA are identical) or the corporation name and DBA if different on the account.</li> <li>• Limited Liability Corporations should read the Limited Liability Corporation (LLC) and DBA on the account.</li> </ul> <p><b>Note: The bond will be returned to the principal if any information is incorrect or not completed properly.</b></p>
<b>18. How long must the bond be maintained?</b>	The bond must remain valid and in effect during the account period in order to continue to receive residence address information. If the bond expires during that time, your account will be downgraded to receive record information without address until you reestablish the bond and it is in full force.



## CHAPTER TWO

### CUSTOMER INFORMATION SECURITY REQUIREMENTS

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#### Introduction

The security requirements in this handbook, and any other requirements deemed necessary by the Department of Motor Vehicles (DMV), apply to all requester account holders. This manual provides information to assist customers in protecting DMV confidential and/or restricted information from unauthorized use or disclosure as required by Section 1808.47 of the California Vehicle Code (CVC). A PowerPoint presentation “Confidentiality of DMV information” is available upon request. If additional information is required or you would like a copy of the PowerPoint presentation, please contact the DMV Electronic Access Administration Section at (916) 657-5582.

CVC Division 1 Article 3 Section 1800 –1825 Records of the Department is available at the following Internet Address: <http://www.leginfo.ca.gov/calaw.html>

The California Code of Regulations (CCR), Title 13 is available at the following Internet address. [http://www.spb.ca.gov/chief/code\\_regulations.htm](http://www.spb.ca.gov/chief/code_regulations.htm)

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#### CVC

*1808.47. Any person who has access to confidential or restricted information from the department shall establish procedures to protect the confidentiality of those records. If any confidential or restricted information is released to any agent of a person authorized to obtain information, the person shall require the agent to take all steps necessary to ensure confidentiality and prevent the release of any information to a third party. No agent shall obtain or use any confidential or restricted records for any purpose other than the reason the information was requested.*

## CUSTOMER INFORMATION SECURITY REQUIREMENTS

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### 1. General Requirements

Any promotional or informational material related to accessing the DMV's information shall be accurate and shall be consistent with the Commercial Requester Account Application and shall contain only factual statements relating to the purpose and conditions of access.

The requester shall not use the DMV logotype in any advertising or other business materials used in the business of the requester. The advertising shall neither state nor infer that there is any official connection between DMV and the advertiser, or that DMV has sanctioned or approved of either the advertisement or the advertiser's service.

The requester shall notify DMV in writing within one business day of any intended or actual closure of the requester's business enterprise or voluntary termination of the Commercial Requester Account and within ten working days of changes in sole ownership, partnership, or corporate principal staff officers, contact person, address, or of any other changes in the Commercial Requester Account Application. Notification shall be sent to:

Department of Motor Vehicles  
Information Services Branch  
Accounts Processing Unit  
PO Box 944231 MS H221  
Sacramento, CA 94244  
(916) 657-5564

Requester's access to DMV information may be modified and/or terminated without cause upon 30 days notice by either party.

Requester shall maintain the security and integrity of the information it receives. A violation of any provisions of this Agreement, whether by omission or commission, shall be grounds for action by DMV and may result in suspension or termination of service to the Requester. DMV may pursue appropriate administrative, civil, and/or criminal action for violation of Agreement provisions in accordance with the CVC §1808.45, §1808.46 and §1808.47.

Requester shall ensure compliance with all security provisions of this agreement. If fraud or abuse is suspected or confirmed, Requester shall notify DMV's Information Services Policy and Information Privacy Section by telephone at (916) 657-5583 within one business day.

A written notification containing all facts therein shall be prepared by the Requester within three business days and mailed to DMV at the following address:

Department of Motor Vehicles  
Policy and Information Privacy Section  
PO Box 942890 – MS H 225  
Sacramento, CA 94290-0890



## CUSTOMER INFORMATION SECURITY REQUIREMENTS *(Continued)*

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### 2. Information security awareness and training

**The requester account holder is responsible for implementing effective information security policies and procedures, and to ensure that all personnel receive adequate training.**

All DMV information must be kept secure from unauthorized access regardless of how the information is received. DMV information may only be requested and used for a legitimate business purpose approved by DMV.

All employees of a requester account holder who are authorized to access DMV information are required to complete and sign an “Information Security Statement” form INF 1128. This form must be completed annually and retained at the worksite of the requester account holder with a current list of employees who are authorized to access DMV information for the life of the requester account and for two years following the deactivation or termination of the requester account. The “Information Security Statement” form INF 1128 and a list of employees who were previously authorized access to DMV information for two years following deactivation or termination of employment must be retained at the worksite of the Requester account holder.

A Representative is any individual other than an employee who is authorized by the requester account holder to perform a specified business function. The Representative may not directly request or receive information from DMV. An Information Security Statement (INF 1128) shall be completed and signed by the Representative. The Information Security Statement (INF 1128) and a written agreement between the Representative and the requester account holder for the life of the agreement and for two years following the deactivation of the agreement must be retained at the requester account holder’s worksite.

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### 3. Information Integrity

**The requester must maintain the integrity of the data it acquires and/or updates.**

A log, including the reason for inquiry and/or update, and the person responsible for each inquiry and/or update, whether the request is made on paper, by telephone, or electronically, must be sufficiently documented by the requester. DMV maintains an electronic record of the dates, times, and the terminal ID of all on-line transactions, however the purpose of the transaction must be logged by the requester.

- The log must contain the following information:
- Requester code
- Date of request
- Name of the subject of request
- Information requested (Driver License, Vin/Hin #, Vehicle/Vessel Plate #)
- Reason or purpose for the request and supporting documentation as necessary
- Cross-reference to the corresponding supporting documentation, e.g. file/case#, account #, inventory/control #, etc.)

The log and required documentation must be kept by service providers for five (5) years, and by all other account holders for two (2) years from the date of the request in accordance with California Code of Regulations 350.48.

## CUSTOMER INFORMATION SECURITY REQUIREMENTS *(Continued)*

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Agencies that update information to DMV records (courts, parking agencies, and insurance companies, for example) must strive for accuracy, whether updating electronically or on paper. New electronic applications must be thoroughly tested prior to implementation.

### **4. Physical security**

**All requesters are required to implement and maintain adequate physical security for DMV information, equipment, and systems that access DMV information.**

Printed records, microfilmed records, and records stored to any electronic media (diskette, hard drive, server, etc.) must be protected from access and viewing by unauthorized persons.

Any terminals or PC screens, printers, microfilm retrieval devices, or wireless devices used to access DMV information must be protected from access and viewing by unauthorized persons.

Instruction manuals that describe requesting DMV records or access to DMV records must be protected from access and viewing by unauthorized persons.

Wireless access devices must also be protected against theft, and against unauthorized use, with BIOS-based passwords, token/smartcard authorization, or PIN numbers, etc.

Once DMV information is no longer needed, it must be destroyed in a manner that renders them unreadable and unrecoverable. (Paper and microfilm records shredded; diskettes erased and destroyed, for example.)

### **5. Direct On-Line End-User Requesters**

Any necessary steps must be taken to restrict access to the devices that have DMV inquiry capabilities to authorized individuals. Your communications network must be the termination point of any record information received from DMV. No terminal or network shall act as an intermediate communications node for other remote systems outside of the End User's organization.

As an end user, you may retain record information in your file system as long as it is needed for the purpose for which it was originally requested. Once that legitimate business need is ended, record information must be destroyed.

Passwords must be changed at least every 60 days and should be changed immediately if it is suspected another individual has knowledge of the password. The same person shall not use a password, or a form thereof, more than once within a twelve-month iteration period. Passwords must not be written down or otherwise kept in a location where they can be seen or easily obtained.

*Additional information may be required to fully describe how the technical requirements and the security standards of various on-line access systems meet or exceed DMV's.*

**CUSTOMER INFORMATION SECURITY REQUIREMENTS** *(Continued)*

<b>1. What are the available methods to receive information from DMV?</b>	<p>Information can be received either directly from DMV (i.e., hardcopy, magnetic tape, on-line) or indirectly from a department-approved reseller/service provider. For a current list of approved resellers/service providers, contact the Account Processing Unit at (916) 657-5564.</p>
<b>2. Can I use the information received from DMV for any purpose?</b>	<p>Information obtained from DMV can only be used for the legitimate business purpose approved by the department. The department's approval letter will contain the business purpose for which you were approved. (See page 6.001 for a definition of legitimate business need.)</p>
<b>3. Can I retain, combine, link or store the information I receive from DMV?</b>	<p>Information received from DMV cannot be retained, stored, combined, and/or linked with any other data on any database for any subsequent reproduction, distribution, or resale. The individual record may be stored and maintained either manually or electronically for the purpose for which it was requested and for as long as your legitimate business use requires. (See IMPORTANT NOTE below).</p>
<b>4. If I am a "consumer reporting agency" as defined in 15 USCS 1681a (f) of the Fair Credit Reporting Act (FCRA) and must retain information to comply with FCRA requirements, how long can I keep this information?</b>	<p>As a "consumer reporting agency", records obtained from DMV can be stored exclusively to respond to inquiries for information contained in consumer reports and verification of that information if disputed. You may retain the information for a "reasonable" period of time to respond to customer inquiries. DMV interprets "reasonable" as 60 days from the date the information was received. If the information is undisputed, it must be destroyed after the 60-day retention period. If the information is disputed, the records must be destroyed upon the resolution of the dispute.</p>
<b>5. What do I do with the record information when it is no longer needed?</b>	<p>Commercial requesters are responsible for destroying DMV record information containing personal information, such as; name, driver license or identification number, or physical characteristics, etc., by shredding, erasing or modifying the personal information to make it unreadable or undecipherable as provided in Civil Code Sections 1798.80, 1798.81, and 1798.82.</p>
<b>IMPORTANT</b>	<p><b>Residence addresses received from department records shall not be used for any direct marketing or solicitation for the purchase of any consumer product or service. [CVC§ 1808.23 (d)]</b></p>

**CUSTOMER INFORMATION SECURITY REQUIREMENTS** *(Continued)*

<b>6. If I have someone acting as my agent, can I release confidential information to that person?</b>	<p>If confidential or restricted information is released to any agent of a person authorized by the department, the person shall require the agent to take all steps necessary to ensure confidentiality of this information. No agent shall obtain or use any confidential or restricted records from requester code holders for any purpose other than the reason the information was requested. Reasons for requesting information are limited to those stated on the approved account application.</p>
<b>7. Are there any DMV forms that must be signed by someone acting as my agent or by my employees?</b>	<p>Yes, an “Information Security Statement”, form INF 1128, <b>must</b> be maintained on file for each agent, performing work on behalf of the requester. The INF 1128, is also required for all employees authorized to access DMV information. These forms <b>must</b> be maintained at the worksite and be available to the DMV auditors upon request.</p>
<b>8. Do I need to have any written procedures in place for information security?</b>	<p>You are required to establish written procedures to protect the confidentiality of the information received from DMV. CVC §1808.47 states: Any person who has access to confidential or restricted information from DMV shall establish procedures to protect the confidentiality of those records.</p>
<b>9. Where must these procedures be kept?</b>	<p>The established security procedures must be maintained on site and available to the department’s auditors.</p>
<b>10. Do I need to have anyone in charge of securing this information?</b>	<p>Yes. You should appoint someone to be in charge of maintaining the security of DMV information. Please be able to provide the name, title, and telephone number of that person upon request.</p>
<b>11. Are there any other security requirements I or my employees must be aware of if accessing DMV information by computer?</b>	<p>The following has been prepared to assist in complying with the security requirements:</p> <ul style="list-style-type: none"> <li>• Remember, account holders are personally responsible for all activity occurring under their user identification while signed on to the DMV computer.</li> <li>• Do not write passwords down or tell your password to anyone. Passwords are not to be shared among individuals or groups.</li> <li>• Always log off the terminal each time the terminal is left unattended.</li> <li>• Passwords should be changed at least every 60 days, to help prevent illegal access.</li> </ul>

## CUSTOMER INFORMATION SECURITY REQUIREMENTS *(Continued)*

<p><b>11. Are there any other security requirements I or my employees must be aware of if accessing DMV information by computer? <i>(continued)</i></b></p>	<ul style="list-style-type: none"> <li>• DMV information <b>should only</b> be <b>requested and</b> used for the legitimate business need for which it was approved.</li> <li>• Do not have your terminal screen visible to anyone that is not authorized to view the information.</li> <li>• DMV information <b>must</b> be properly destroyed when it is no longer needed for the reason for which it was originally requested.</li> <li>• Any terminals accessing DMV information <b>must not</b> be in areas open to the public. Video screens containing DMV information must be facing away from the public.</li> <li>• Printed records, microfilmed records, and any records stored to any electronic media (diskette, hard drive etc.), must be protected from unauthorized access and viewing.</li> <li>• Requester code(s) and any personal identification numbers used by employees <b>must</b> be protected from unauthorized use.</li> </ul>
<p><b>12. Do I need to keep any logs of the information I request?</b></p>	<p>Yes. You must establish and maintain daily logs and source documents which track the receipt, use, and dissemination of DMV information. <i>These logs and documents <b>must</b> be available to DMV auditors upon request.</i></p>
<p><b>13. What information must the log contain?</b></p>	<p>The log must contain the following information for every transaction:</p> <ul style="list-style-type: none"> <li>• Requester code</li> <li>• Date of request</li> <li>• Name of the subject of request</li> <li>• Information requested (Driver License, Vin/Hin #, Vehicle/Vessel Plate #)</li> <li>• Reason or purpose for the request and supporting documentation as necessary</li> <li>• Cross-reference to the corresponding supporting documentation, e.g., file/case #, account #, inventory/control #, etc.</li> </ul>
<p><b>14. How long must the log be retained?</b></p>	<p>The log and required documentation must be kept for two years from the date of the request by any requester who requests or receives confidential information not for resale in accordance with California Code of Regulations 350.48(c).</p>

**CUSTOMER INFORMATION SECURITY REQUIREMENTS** *(Continued)*

<b>15. Who should I notify if I suspect fraud or misuse of DMV record information?</b>	<p>If fraud or misuse is suspected or confirmed, you must notify DMV's Information Services Branch, Policy and Information Privacy Section at: (916) 657-5583, within one (1) business day of discovery. A written notification containing all facts must be prepared by the requester within three (3) business days and mailed to:</p> <p>Department of Motor Vehicles Policy and Information Privacy Section, MS H225 P.O. Box 942890 Sacramento, CA 94290-0890</p>
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## CHAPTER THREE

### AUDIT REQUIREMENTS

The Compliance Audits Unit audits commercial requesters to ensure compliance with the requirements of CVC, California Code of Regulations (CCR) Title 13 and the terms and conditions of the Commercial Requester Account.

<b>1. Will my account be audited?</b>	<p>All Commercial Requester Accounts are subject to DMV audits. Any account may be audited regardless of the method used to request or receive the information (on-line, hardcopy, magnetic tape, etc.) or the type of information that the requester is authorized to receive (basic, residence address, mailing address or residence address with post notification).</p> <p>Certain conditions may warrant an unannounced audit, however, in most cases DMV will contact the requester by telephone approximately 1 to 2 weeks in advance to schedule the audit.</p>
<b>2. How are account holders selected?</b>	<p>Audit requests that are referred to us because of complaints or investigations are considered a priority. The remaining audits are scheduled based on a selection criteria determined by the management of the Compliance Audits Unit.</p>
<b>3. What happens during the audit process?</b>	<p>The audit consists of:</p> <ul style="list-style-type: none"> <li>• An entrance conference to explain the audit process</li> <li>• Testing and review of supporting documentation</li> <li>• An exit conference to inform you of any findings</li> <li>• A written audit report</li> </ul> <p>Typical audits take 4 to 6 hours for the conferences and on-site testing, however, some may require additional time.</p>
<b>4. What do I need for the audit?</b>	<p>The auditors will review your:</p> <ul style="list-style-type: none"> <li>• Supporting documentation to show evidence of proper use</li> <li>• Required logs (refer to page 2.007)</li> <li>• Employee Security Statements/Representative Non-disclosure Statements</li> <li>• Listing of employees authorized to request information</li> </ul>



## AUDIT REQUIREMENTS *(continued)*

<p><b>What do I need for the audit?</b> <i>(continued)</i></p>	<ul style="list-style-type: none"> <li>• Listing of terminated employee authorization</li> <li>• Billings or invoices from your re-seller/service provider</li> </ul> <p>The supporting documentation must be kept at the physical place of business listed on the application or the branch location form (INF 1106BL) and shall be made available for audit.</p>
<p><b>5. What is supporting documentation?</b></p>	<p>Supporting documentation shows evidence of proper use of DMV information and it varies according to the type of business. We typically see the following:</p> <p><b>Insurance companies</b> provide policy numbers, accident reports, SR-1 information or insurance quotes.</p> <p><b>Law offices</b> supply us with a client information sheet, retainer agreement, accident report and court case number.</p> <p><b>Private investigators</b> provide us with case name, file numbers, client information and reports.</p> <p><b>Registration services</b> supply information related to the transaction processed such as fees collected, method of payment, date fees collected, cost to client.</p> <p><b>Dealers</b> pull their dealer jacket, purchase/lease agreement/odometer disclosure statement, release of liability, title, registration or a bill of sale.</p> <p><b>Towing</b> companies provide towing and lien sale data.</p> <p><b>Auto auctions</b> provide us with stock/inventory numbers, report of sale, and buyer/seller information.</p>
<p><b>6. What happens after the audit?</b></p>	<p>Once the audit is completed and reviewed by management, an audit report is issued. You may be required to respond in writing to the findings in the audit report and explain what corrective action has been taken to address the findings. Failure to respond to the audit report within the specified timeframe may result in the inactivation of your requester account.</p> <p>Audits with findings (non-compliance with CVC, CCR, and the Terms and Conditions of the Commercial Requester Account or other applicable statutes) are subject to final determination by ISB management for adverse or corrective action (re-audit, monitoring, referral to legal office or referral to investigation).</p>



**AUDIT REQUIREMENTS** *(continued)*

<b>7. Can DMV take any other actions?</b>	<p>If an audit discloses a violation of any provisions of the California Code of Regulations (CCR) Title 13, whether by omission or commission, DMV may have grounds to take action that may result in suspension or termination of access privileges of the requester. DMV may also pursue appropriate administrative, civil, and/or criminal action for any violations in accordance with CVC 1808.45 and 1808.46 and Title 13 of the CCR.</p>
<b>8. Is there any thing else I should know about the audit?</b>	<p>If the audit reveals violation(s) of CVC 1808.22 through 1808.47 and/or violation(s) listed under CCR Section 350.52 the requester may be subject to administrative or criminal action.</p>
<b>9. If my account is terminated either voluntarily or involuntarily, what should I do?</b>	<p>Whenever an account is terminated with or without cause, or voluntarily closed pursuant to CCR 350.16 (b), the department <i>may</i> require the holder to surrender all information and records retained pursuant to CCR 350.48 &amp; 350.18 (b) (4) and (5) not later than the end of the third business day following the date of termination or closure. The notification to surrender the records must be included in the notice of revocation or termination.</p>
<b>10. If my account is terminated and I am notified to surrender my records where should they be sent?</b>	<p>Upon notification to surrender the records, they should be mailed to:</p> <p style="text-align: right;">Department of Motor Vehicles Compliance Audits Unit MS H230 P.O. Box 932345 Sacramento, CA 94232-3450</p>

## CHAPTER FOUR

### MONTHLY BILLING STATEMENT

<p><b>1. When will I be billed?</b></p>	<p>Invoices will be mailed to appropriate account holders who receive information directly from the department no later than the 10<sup>th</sup> of the month. If you obtain information from a reseller, you will not receive an invoice from DMV.</p>
<p><b>2. When is my bill due?</b></p>	<p>The entire balance listed on the invoice is due and payable upon receipt.</p>
<p><b>3. What do I submit with my payment to DMV?</b></p>	<p>When remitting payment, you must return the bottom portion or stub of the ORIGINAL invoice. Do not send a photocopy of the stub, as this will cause delays in the remittance process. You must indicate your account number on the check or money order and make all checks or money orders payable to the DMV. Do not write below the automated scan line on the bottom of the stub as any marks in this area prevents your account from being updated expeditiously and can cause errors in posting to your payment.</p>
<p><b>4. What happens if I do not pay my bill on time?</b></p>	<p>Failure to remit the appropriate payment could result in the cancellation of your requester privileges and may include a referral to a collection agency or collection against your bond. Pursuant to California Code of Regulations 350.46 (a), your requester code will be revoked if any amount remains unpaid sixty (60) days after the invoice date.</p>
<p><b>5. If I have a dispute about my bill, what should I do?</b></p>	<p>If you dispute any portion of your bill you must notify us in writing within thirty-(30) days of the invoice date.</p>
<p><b>6. Can I note any changes to my address on the payment stub?</b></p>	<p><b>No.</b> All changes to your account, including address changes should be submitted on <b>form INF 1106</b> to the address listed on the form.</p>
<p><b>7. Who can I call if I have questions about my bill?</b></p>	<p>You can call the Automated Billing Information Systems Unit at (916) 657-6474.</p>

## GENERAL QUESTIONS

<p><b>Q) I am an attorney representing a client in a motor vehicle related incident (accident, lemon law, odometer roll-back, etc.). May I release the residence address to an attorney service or licensed Private Investigator to perform service of process?</b></p>	<p><b><i>Attorneys for Motor-Vehicle Related Incidents</i></b></p> <p>A) Yes, the attorney service or licensed private investigator would become your agent. A signed INF 1128 (Information Security Statement) must be signed and retained at your worksite.</p>
<p><b>Q) I am an attorney representing a client in a motor vehicle related incident. Can I pass DMV information on to my client?</b></p>	<p>A) No. DMV record information can only be used by the attorney or their agent.</p>
<p><b>Q) What is a branch location?</b></p>	<p><b><i>Branch Locations</i></b></p> <p>A) An offshoot, lateral extension, or division with a separate physical location but under the same corporate number and ownership.</p>
<p><b>Q) Are there separate application fees for branch locations?</b></p>	<p>A) No.</p>
<p><b>Q) I am an approved end-user to perform background or pre-employment screenings, without address, and my client is an approved account holder with address authority, can I use their requester code?</b></p>	<p><b><i>Sharing Requester Code</i></b></p> <p>A) <b>No</b>, an account holder may not pass his requester code on to anyone except an employee or agent who has signed an Information Security Statement (INF 1128).</p>

**GENERAL QUESTIONS** *(continued)*

<b>Q) Is a background check or pre-employment screening considered re- selling DMV information?</b>	<b><i>Background Checks/Pre-Employment Screening</i></b>  A) No. When DMV record information becomes a part of a compilation of other information (i.e., employment history, credit history, etc.), it is considered a business function by the end-user. <b><i>If the only part of the background check is a DMV record this constitutes a resale and approval from the department must be obtained.</i></b>
<b>Q) Are you required to have an account with DMV if you get record information from a department approved information reseller?</b>	<b><i>Reseller/Service Provider</i></b>  A) Yes. A department approved information reseller is only authorized to release department record information to an approved requester account holder (i.e., end-user, and reseller).

## GLOSSARY

<b>[Account] Contact Person:</b>	<p><b><i>DEFINITIONS</i></b></p> <p>The contact person must be an employee of the firm who is familiar with the account and have the authority and responsibility for problem resolution. This person must be available to DMV during normal business hours for questions or problems as they arise.</p>
<b>Commercial Account Holder:</b>	<p>An entity that has been approved by the department and issued a requester code to purchase information from DMV.</p>
<b>Consumer Reporting Agency: (Fair Credit Reporting Act 15 U.S.C. §1681 et seq.)</b>	<p>Any person which for monetary fees, dues, or on a cooperative non-profit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.</p>
<b>End User:</b>	<p>The Requester Account Holder for whose business use department information is obtained. An end user may be either the person requesting the information or another person on whose behalf the information is requested.</p>
<b>Fair Credit Reporting Act 15 U.S.C. § 1681 et seq.</b>	<p>Federal statute that was enacted to protect individuals from inaccurate or arbitrary information being documented in consumer reports.</p>
<b>Legitimate Business Need:</b>	<p>Legitimate Business Need. An authorized purpose for requesting, obtaining, disclosing or using information contained in a department record.</p>
<b>Lien Sale:</b>	<p>The sale of a vehicle when a person, who, under the laws of the state in which the sale will be conducted, has a claim on the property of another as security for the compensation to which the person is legally entitled for making repairs or performing labor upon; the furnishing of supplies or materials for; the storage or safekeeping of; and for the rental of parking space for; any vehicle.</p>
<b>Mailing Address:</b>	<p>An address, different from and reported separately from the residence address, where mail is to be delivered to the addressee. When the address used for mailing is the same as the residence address, it is considered to be a residence address. A mailing address is mandatory only when mail cannot be delivered to the reporting individual's residence address.</p>

**GLOSSARY** *(continued)*

<b>Public Record:</b>	California Vehicle Code Section 1808 and the Public Records Act (Government Code Section 6253 et al.), provides that information collected by the Department is generally considered public information and is subject to inspection by the public. Exceptions to this public disclosure obligation include: <b><i>Personal Information</i></b> and <b><i>Confidential Information</i></b> .
<b>Residence Address:</b>	The address reported to DMV by an individual as the place where that individual resides. This is confidential and only released pursuant to statute.
<b>Requester Code:</b>	A unique configuration of numbers or letters assigned by DMV to identify a requester(s).
<b>Reseller/Service Provider:</b>	A requester account holder who has been authorized by DMV to facilitate the legal transfer of information contained in a department record to any pre-approved requester. For information regarding Information Reseller/Service Providers, contact the Account Processing Unit at (916) 657-5564.

## FORMS/CONTACT NUMBERS

	<p>The following forms are provided with the Commercial Requester Account Application package (INF 1133) or a copy may be provided by contacting the Account Processing Unit at (916) 657-5564:</p>
<b>INF 1106</b> <b>Commercial</b> <b>Requester Account</b> <b>Application</b>	<p>This form must be completed to apply for an original requester account, for renewal of an account, or to make changes to an existing account.</p>
<b>INF 1132</b> <b>Commercial</b> <b>Requester Account</b> <b>Surety Bond</b>	<p>This form will be mailed to you once you have been approved for residence address access.</p>
<b>INF 1184</b> <b>Certification of</b> <b>Agency</b>	<p>Any Vehicle Dealer Agent or Vehicle Manufacturer Agent who will be requesting residence address via a Commercial Account to process registration transaction documents or recalls on behalf of a dealer or manufacturer, must have this form completed by all dealers/manufacturers the agent represents.</p>
<b>INF 1128</b> <b>Information Security</b> <b>Statement</b>	<p>This form must be signed annually by any individual who has access to information received from the department. It must be retained at the account holder's worksite for the length of time indicated on the form. <b>DO NOT SEND TO DMV.</b></p>
<b>INF 1106BL</b> <b>Commercial Requester</b> <b>Account Branch Location</b>	<p>Account holders with multiple branch locations needing different requester codes must complete this form.</p>
<b>INF 1230</b> <b>Commercial Requester</b> <b>Account Terms and</b> <b>Conditions</b>	<p>This form contains the terms and conditions an account holder must agree to in order to be approved for a commercial requester account. <b><i>Do not send to DMV.</i></b></p>

**FORMS/CONTACT NUMBERS** *(continued)*

<b>Account Processing Unit</b> <b>(916) 657-5564</b>	Requester Account Help, Questions or Changes
<b>Automated Billing Information Unit</b> <b>(916) 657-6474</b>	Requester Account Billing Information
<b>Electronic Access/Security Unit</b> <b>(916) 657-5582</b>	File Transfer and On-line Access
<b>Policy/Information Privacy Section</b> <b>(916) 657-5583</b>	Policies and Procedures regarding DMV record release and/or uses. Automation needs relating to the release of information.
<b>Compliance Audits Unit</b> <b>(916) 657-5813</b>	Questions concerning an audit of your requester account.
	All units are available from 8 a.m. - 5 p.m., Monday through Friday (excluding holidays).



## SURVEY

The Department of Motor Vehicles, Information Services Branch would like your comments about this publication. Please take a moment to answer the following questions by circling one of the numbers for each item, with 1 being the lowest and 5 being the highest, then fold and return to the address indicated on other side of survey:

**1. Did you find this publication informative?**

**VERY INFORMATIVE**

**NOT INFORMATIVE**

**5**

**4**

**3**

**2**

**1**

**2. Did the text answer your questions?**

**ALMOST ALL**

**ALMOST NONE**

**5**

**4**

**3**

**2**

**1**

**3. Was the information easy to understand?**

**VERY EASY**

**VERY DIFFICULT**

**5**

**4**

**3**

**2**

**1**

**4. Is there anything you think should be included or covered better?**

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**5. Other comments:**

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**Department of Motor Vehicles  
Policy & Information Privacy Section (PIPS)  
MS-H225  
P.O. Box 942890  
Sacramento CA 94290-0890**

